

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-13 are pending in the present application. Claims 1, 4, 5, 10, and 13 are the independent claims.

Claims 1, 4, 5, 8-10, and 13 have been amended. No new matter has been added.

Initially, Applicants acknowledge with appreciation the indication that claim 13 recites patentable subject matter and would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. By the present Amendment, Applicant has rewritten claim 13 in independent form to include all of the features of its base claim (claim 10), there being no intervening claims. Accordingly, it is submitted that claim 13 is now in allowable form.

Claims 1, 3-7, and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,114,028 (Green et al.) in view of U.S. Patent No. 6,876,615 (Shishido). Claims 2, 8, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Green et al. and Shishido in view of U.S. Patent No. 7,106,665 (Lee). All rejections are respectfully traversed.

Independent claim 1 recites, inter alia, determining whether the optical disc is formatted and partially recording data other than formatting data on the optical disc upon determining that the optical disc is not formatted, erasing, after the checking, data ranging from a next writable address to a predetermined block upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area, and recording a remainder of the data other than formatting data, after the erasing.

Independent claim 4 corresponds generally to independent claim 1 and recites similar features in computer-readable storage medium form.

Independent claim 5 recites, inter alia, partially recording data other than formatting data to the optical disc at a desired position upon determining that the optical disc is not formatted, erasing, after the checking, data from a portion of the optical disc that may lead to a recording or read out error upon determining that the optical disc is Minimally Blanked, recording remaining data other than formatting data at the desired address on the optical disc after the erasing.

Independent claim 10 recites, inter alia, a data eraser/recorder that, in response to a signal, partially records first data [other than formatting data] to a desired portion of the optical

disc or erases data from a portion of the optical disc that may lead to a recording or read out error, and that, after the data eraser/recorder partially records the first data to the optical disc, the controller outputs a signal to the data eraser/recorder to erase second data from a portion of the optical disc that may lead to a recording or read out error upon determining that the disc is minimally blanked, and outputs a signal to the data eraser/recorder to record a remaining portion of the first data if upon determining that the disc is fully blanked or if after the second data is erased.

Applicant respectfully submits that none of the cited art, alone or in combination, teach or suggest at least the aforementioned features of independent claims 1, 4, 5, and 10. Accordingly, without conceding the propriety of the asserted combinations, it is respectfully submitted that the asserted combinations are likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

Green et al. relates to a method of automatically formatting and pseudo-mounting a removable media and discusses recognizing whether a user is attempting to write to an unformatted media and, if so, automatically formatting the media. If the media is not formatted, Green et al. teaches formatting the media before recording data to it. (Green et al., Col. 5, lines 25-33). To automatically format the media, the type of media is determined (Green et al., Col. 6, lines 1-4) and the state of the media is determined. (Green et al., Col. 6, lines 42-54).

The primary citation to Green et al. does not disclose partially recording data other than formatting data and then, after an erasing operation, recording the remainder of the data, as variously recited by amended independent claims 1, 4, 5, and 10.

The secondary citation to Shishido relates to a data recording including pseudo-erasing features while the tertiary citation of Lee relates to overwriting data of a rewritable disk. Shishido is cited for its alleged disclosure of erasing as variously recited by independent claims 1, 4, 5, and 10 as well as various features of dependent claims 3, 5-7, 9, 11. Lee et al. is cited for its alleged disclosures of features of dependent claims 2, 8, and 12. Applicant respectfully submits that neither Shishido nor Lee et al. adds anything that would remedy the aforementioned deficiency of Green et al.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent

claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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